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EXAMINER

LAMB, BRENDA A

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1734

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Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/863,315
Filing Date: May 24, 2001
Appellant(s): SAUREL ET AL.

MAILED

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GROUP 1700

Attorney Raja Saliba
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/6/2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

4,531,959

KAR ET AL

7-1985

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-2, 5, 8, 11, 14, 15 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kar et al.

Kar et al teaches the design of an optical fiber coating apparatus as shown in Fig. 6. Kar et al teaches his apparatus is comprised of an integral die support or receiver or downstream part and grid for receiving an exit die. The Kar et al exit die and grid together define a passageway for the optical fiber. Kar et al teaches the die support and grid are integral to facilitate precise alignment of the longitudinal axis of the grid and the exit die. Kar et al fails to teach the integral grid and die support include a

die support for the entry die or upstream part. However, it would have been obvious to modify the Kar et al apparatus by extending sleeve 63 in a direction upstream of the grid or provide an upstream part to receive the entry die for obvious reason to expect similar benefits taught by Kar et al for making integral the grid and the die support/downstream part/receiver for the exit die, to facilitate alignment of the longitudinal axis of the grid and the die, thereby facilitating alignment of both the entry and exit dies with the longitudinal axis of the grid. Thus claim 1 is obvious over Kar et al. With respect to claim 11, the same rejection applied to claim 1 is applied here. Kar et al shows a support/housing for the device for applying coating onto the optical fiber comprised of a means for feeding coating around the grid. With respect to claim 14, the same rejection applied to claim 1 is applied here. The recitation that the grid has through-holes that open into a common annular space surrounding the grid does not further limit applicants invention over Kar et al since Kar et al shows in his figure that there is a space surrounding the grid into which coating is fed. With respect to claims 2, 5, 8, 15 and 18, Kar et al shows in Figure 4 the coating/annular chamber 56 may be formed in the housing or alternatively, if not formed in the housing, in Figure 5 shows the ends of the sleeve or grid are provided with flanges to coact with walls of housing to form a flow chamber/annular chamber 53 through which coating is fed. Therefore, if one desires to use one of Kar et al coating applicators which do not have a flow chamber or annular chamber which is within the housing, it would have been obvious given the modifications of the Kar et al sleeve with an upstream and downstream part to enlarge the upstream and downstream part for respectively the entry and exit die such that the upstream and downstream part has an

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outer diameter larger than outer diameter of the grid to enable one to form an annular flow chamber between the upstream and downstream part thus enabling one to insert the die support in die housing which does not have annual flow chamber formed in the housing for the taught advantages of an integral die support and grid – facilitate precise alignment of the longitudinal axes of the entry and exit die with the grid. Further, it would have been obvious given the modifications of the Kar et al sleeve as discussed above to enlarge the upstream and downstream part for respectively the entry and exit die by providing each with a radially extending wall/flange such as set forth in the claims and the radially extending wall/flange having an outer diameter larger than outer diameter of the grid to enable one to form an annular flow chamber between the opposing radially extending walls of the enlarged upstream and downstream part thereby enabling one to insert the die support in die housing which does not have annual flow chamber formed in the housing since Kar et al as discussed above shows in Figure 4 ends of the sleeve or grid are provided with flanges/walls which coact with walls of housing to form a flow chamber/annular chamber 53 through which coating is fed and to press fit the entry die support against the grid - facilitate alignment of precise alignment of the longitudinal axes of the grid with the die. Further, it would have been obvious given the modification of the Kar et al apparatus including an integral grid and die support with an enlarged upstream and downstream part and the grid that these elements arranged within housing as discussed above forms the relationships set forth in the claims 19-21 since Kar et al discloses in Figure 5, one of Kar et al coating applicators which does not have a flow chamber or annular chamber which is within the

housing, that sleeve or grid are provided with flanges/walls in order to space the grid from the wall of housing thereby providing an annular space into which coating is provided through the grid holes and onto the optical fiber.

(11) Response to Argument

Appellant's argument of the non-obviousness of modifying the Kar et al apparatus such that the sleeve is extended upstream of the grid to accommodate the guide die or entry die is found to be non-persuasive. Kar et al at column 1 lines 29-33 and column 2 lines 34-37 teaches the importance of the optical fiber not contacting any solid surface prior to and during the coating process. Kar et al teaches at column 6 lines 24-26 arranging of the sizing die within the flow distribution sleeve for the advantages of facilitating the precise alignment of their longitudinal axes. Therefore, given the inferred advantage of enabling one to precisely aligning the longitudinal axes of the exit die and flow distribution sleeve or grid by extending the lower end of the sleeve, it would have been obvious to modify the Kar et al apparatus by extending sleeve 63 in a direction upstream of the grid or provide an upstream part to receive the entry die for the obvious reason to expect similar benefits taught by Kar et al for making integral the grid and die support/downstream part/receiver for the exit die, thereby facilitating alignment of both the entry and exit die with the longitudinal axis of the grid.

Appellant's argument that there is no disclosure for making an additional modification of expanding the inside diameter of the flow distribution chamber at the upstream end so its diameter is greater than the grid is found to be non-persuasive. Kar et al in Figures 2 and 5 show the opposite ends of the sleeve or grid are enlarged as

defined with a radial wall extending so as to form a flange. Kar et al teaches the flange or enlarged opposite ends of the grid or sleeve is needed to space the grid or sleeve from the housing and form the inner flow chamber (see column 6 lines 4-11).

Therefore, if one desires to use one of Kar et al coating applicators which so not have a flow chamber or annular chamber which is formed within the housing, it would have been obvious given the modifications of the Kar et al sleeve with an upstream and downstream part to enlarge the upstream and downstream part such that each has an outer diameter larger than outer diameter of the grid to enable one to form an annular flow chamber between the upstream and downstream part thereby enabling one to insert the die support in die housing which does not have annular flow chamber formed in the housing for the taught advantages of an integral die support and grid – facilitate precise alignment of the longitudinal axes of the grid with a die.

Appellant's argument that Kar et al fails to teach that the first and second radial wall oppose each other to define an annular chamber there between is found to be non-persuasive. Kar et al in Figures 2 and 5 show the opposite ends of the sleeve or grid are enlarged. Kar et al shows the enlargement at each end of the grid or sleeve is defined by a radially extending wall, which forms a flange at each end. Kar et al teaches the flange or enlarged opposite ends of the grid or sleeve is needed to space the grid or sleeve from the housing and form the inner flow chamber (see column 6 lines 24-26). Therefore, is one desires to use one of Kar et al coating applicators which do not have a flow chamber or annular chamber which is formed within the housing, it would have been obvious given the modifications of the Kar et al sleeve with an

upstream and downstream part to enlarge the upstream and downstream part for respectively the entry and exit die such that the upstream and downstream part each includes a radially extending wall/flange having an outer diameter larger than outer diameter of the grid to enable one to form an annular flow chamber between the opposing radially extending wall of the enlarged upstream and downstream part thereby enabling one to insert the die support in die housing which does not have annular flow chamber formed in the housing for the taught advantages of an integral die support and grid-facilitate precise alignment of the longitudinal axes of the grid with a die.

Appellant's arguments with regard to Guillemette, applied in combination with Kar et al against claims 4 and 7, is noted but deemed moot since the examiner has indicated in the Advisory Action mailed 4/22/2004 that claims 4 and 7 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

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